Translation

PATENT COOPERATION TREATY



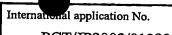
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

	(FCI Atuc	e 30 and Rule 70)	
Applicant's or agent's file reference DF8691/PCT	FOR FURTHER A	CTION	See Form PCT/IPEA/416
International application No.	International filing d	ate (day/month/year)	Priority date (day/month/year)
PCT/JP2003/012891	08 October 20	03 (08.10.2003)	11 October 2002 (11.10.2002)
International Patent Classification (IPC) or n A61K 31/198, A61P 9/00, 25/28	ational classification a , 43/00	nd IPC	
Applicant	KOGA,	Yasutoshi	
Admostly dider Action 33 and trans	mutted to the applicant	according to Article 36	
 This REPORT consists of a total of This report is also accompanied by A 			neet.
a. (sent to the applicant and			sheets, as follows:
sheets of the descr and/or sheets cont Administrative Ins	aming recurreations at	drawings which have be othorized by this Author	en amended and are the basis of this report rity (see Rule 70.16 and Section 607 of the
sheets which super beyond the disclose Supplemental Box	sure in the internation:	at which this Authority al application as filed, a	considers contain an amendment that goes s indicated in item 4 of Box No. I and the
	dicated in the Suppler	mmy a semience lichno	e and number of electronic carrier(s)) and/or tables related thereto, in computer Sequence Listing (see Section 802 of the
4. This report contains indications relati	ing to the following ite	ems:	
Box No. I Basis of the rep	oort		
Box No. II Priority			
Box No. III Non-establishm	nent of opinion with re	gard to novelty, inventi-	ve step and industrial applicability
Box No. IV Lack of unity o		-	
Box No. V Reasoned states citations and ex	ment under Article 35(cplanations supporting	2) with regard to novelt	y, inventive step or industrial applicability;
Box No. VI Certain docume			
Box No. VII Certain defects	in the international ap	plication	
Box No. VIII Certain observa	ations on the internation	nal application	
Date of submission of the demand		Date of completion of	this report
04 March 2004 (04.03.2	004)	01 Ј	uly 2004 (01.07.2004)
Name and mailing address of the IPEA/JP		Authorized officer	
Facsimile No.		Telephone No.	





PCT/JP2003/012891

DOX 110.	Basis of the report	
1. With other	gard to the language, this report is based on the international application in the se indicated under this item.	e language in which it was filed, unless
	This report is based on translations from the original language into the followhich is language of a translation furnished for the purpose of:	owing language,
·	international search (under Rules 12.3 and 23.1(b))	
	publication of the international application (under Rule 12.4)	
·	international preliminary examination (under Rules 55.2 and/or 55.3)	
and a	ges* received by this Authority o	, as originally filed/furnished , as originally filed/furnished , as originally filed/furnished (together with any statement) under Article 19
	e drawings:	
	ges	, as originally filed/furnished
	ges* received by this Authority o	
	equence listing and/or any related table(s) see Supplemental Box Relating t	o Sequence Listing.
3′	e amendments have resulted in the cancellation of:	
	the description, pages	
	the claims, Nos.	-
	the drawings, sheets/figs	•
	the sequence listing (specify):	
	any table(s) related to sequence listing (specify):	-
-	is report has been established as if (some of) the amendments annexed to the de, since they have been considered to go beyond the disclosure as filed alle 70.2(c)). the description, pages the claims, Nos. the drawings, sheets/figs the sequence listing (specify): any table(s) related to sequence listing (specify):	nis report and listed below had not been as indicated in the Supplemental Box
	applies, some or all of those sheets may be marked "superseded."	

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Internation lication No.
PCT/JP 03/12891

V.	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability	y;
	citations and explanations supporting such statement	

Statement			
Novelty (N)	Claims		YES
	Claims	1-6	NO
Inventive step (IS)	Claims		YES
	Claims	1-6	NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

2. Citations and explanations

- Document 1: Database CAPLUS on STN, AN 1999:326370, DN 131:111175; L. Ye et al., "Effect of L-arginine on protection of myocardial structure", Zhonghua Chuangshang Zazhi, 1999, Vol. 15, No. 2, pp. 124-126
- Document 2: Database CAPLUS on STN, AN 2000:86589, DN 133:730; M. Sreepriya et al., "Protective effects of L-arginine on experimental myocardial injury induced by β-adrenergic stimulation in rats", Journal of Clinical Biochemistry and Nutrition, 1999, Vol. 27, No. 1, pp. 19-26
- Document 3: J. Basivireddy et al., "Indomethacin-induced mitochondrial dysfunction and oxidative stress in villus enterocytes", Biochemical Pharmacology, 2002, Vol. 64, No. 2, pp. 339-349

Claims 1-6

The inventions set forth in claims 1-6 are not novel and do not involve an inventive step in the light of documents 1-3, cited in the international search report.

Document 1 discloses the protective action of Larginine on myocardial structure. As mentioned in the description, it was also known before the filing date of the present application that dysfunction of the myocardium, etc., is a mitochondrial disorder. Therefore, the use of L-arginine to manage myocardial disorders disclosed in document 1 can naturally also be considered to be treatment of a disorder caused by mitochondrial dysfunction.

Documents 2 and 3 disclose the action of L-arginine in protecting against mitochondrial dysfunction.

Moreover, selection of the dose, treatment period, form of administration and other additional commonly used ingredients in the inventions disclosed in documents 1-3 could be suitably deduced by a person skilled in the art via a process of optimization.